

P.1 Duxbury Clipper

IN THE ROUGH: Harsh words in golf dispute

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The operator of the North Hill Golf Course, embroiled in a legal dispute with the town, has taken his fight directly to the Board of Selectmen. But Duxbury's town counsel has filed a motion to have the entire case thrown out.

Johnson Golf Management sued the town last year after Town Manager Richard MacDonald gave North Hill's management contract to another firm, Calm Golf out of Rockland. They obtained an injunction from a Middlesex

Superior Court judge that allowed them to run the course until the legal dispute was resolved.

Because the town was getting paid and Johnson was running the course, the dispute had quieted down over the last couple of months. However, on Jan. 14, Town Counsel Robert Troy served Johnson Golf with a motion for summary judgement, asking a judge to immediately take action and dismiss the suit.

On Jan. 25, Doug Johnson

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personally delivered a letter to the Board of Selectmen.

"I am communicating directly with you because I firmly believe that reasonable people informed of all the facts of this matter will be capable of arriving at a mutually agreeable settlement without undue delay," Johnson wrote in the letter.

In the letter, Johnson blasted MacDonald's deposition testimony.

"I am of the belief that Mr. MacDonald was being intentionally evasive throughout his testimony," he wrote. "I don't recall" was an answer he used at least 70 times."

He also called Calm's response to the North Hill request for proposal (or RFP) "a lie" and accused the town of "rigging bids."

"No one should be allowed to just make something up to obtain the contract," Johnson wrote. "That goes for the bidders and the people who evaluate the bids."

Johnson is basing his claims on financial statements provided by Calm Golf that show the company's total assets amounted to \$169, and he says Calm falsely claimed to be operating a golf course in Rockland. One of Calm's

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principal officers, Charles Lanzetta, said in deposition testimony that it was not Calm but one of his other corporations that was operating the Rockland course. Lanzetta and his business partner Anthony Morosco have over 80 years combined experience running golf courses. During Lanzetta's deposition he referred to a "statement of comparable enterprises" filed with his group's proposal.

Troy fired back in a Feb. 5 memo to the Board of Selectmen where he calls Johnson's claims "at best speculative and at worst transparently vacuous."

In a memo filed in court with the motion for summary judgement, Troy says that the court should dismiss Johnson's claim because the state's public bidding law does not "authorize a private right of action for disappointed bidders." He said that MacDonald adhered strictly to the bidding law throughout the process. He also cited court cases that indicate awarding authorities in municipal bidding processes have wide discretion in deter-

mining who is a "responsible bidder."

In a deposition of Johnson, taken in May of 2009, Troy pressed Johnson for evidence of the conspiracy he alleged in his lawsuit. Johnson cited a 2004 letter to the editor in the Clipper where several North Hill members complained about the course's management.

"That was the start of the trying to get us out of there, without a doubt," Johnson said.

"And what is illegal about that?" Troy responded.

"There may be nothing illegal about that, but I guess a court will decide that," said Johnson.

Troy also pointed out that none of the men who signed the letter were involved in the 2008 evaluation process.

Troy declined to comment specifically on the lawsuit or the motion for summary judgement when contacted Monday. He said that he expects a court will hear the motion after Johnson's attorney files an opposition, and that process may take 3-4 months. In the interim, it seems likely that Johnson will be running North Hill for at least another season.

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